

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Mitchell Dzik,

Plaintiff,

v.

Johnson, *et al.*,

Defendants.

Case No. 2:22-cv-01982-GMN-EJY

ORDER

On November 29, 2022, Plaintiff filed a Civil Rights Complaint under 42 U.S.C. § 1983. ECF No. 1-1. Plaintiff did not submit a complete application to proceed *in forma pauperis* (“IFP”), nor did he pay the \$402 filing fee. On December 2, 2022, the Court provided Plaintiff until January 3, 2023, to either pay the \$402 filing fee or file a complete IFP application with all three required documents. ECF No. 3.

On December 21, 2022, Plaintiff filed several motions, including a “Motion for Extension of Time/Motion to Compel.” ECF No. 7. In this Motion, Plaintiff seeks an extension of time to February 28, 2023, to submit his Financial Certificate. *Id.* at 5. Plaintiff states he sent prison officials a request for a Financial Certificate, but it is taking six to eight weeks for certificates to be returned. *Id.* Plaintiff also asks the Court to order prison officials to return his Financial Certificate by February 1, 2023. *Id.* at 6. As of today’s date, Plaintiff has not filed a complete IFP application or paid the filing fee.

Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff’s Motion for Extension of Time/Motion to Compel (ECF No. 7) is GRANTED in part and DENIED in part.

IT IS FURTHER ORDERED that on or before **February 28, 2023**, Plaintiff must either pay the \$402 filing fee or file with the Court: (1) a complete **Application to Proceed in Forma Pauperis for Inmate** on the Court’s approved form; (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

1 IT IS FURTHER ORDERED that the Court will **not** grant any further extensions of time
2 absent unusual circumstances.

3 IT IS FURTHER ORDERED that failure to either pay the \$402 filing fee or file a complete
4 IFP application on or before **February 28, 2023**, will result in a recommendation to dismiss this
5 action **without prejudice**. A dismissal without prejudice allows Plaintiff to file his case with the
6 Court, under a new case number, when he is able to comply with LSR 2-1 and file a complete IFP
7 application or pay the required filing fee.

8 IT IS FURTHER ORDERED that the Clerk of the Court must send Plaintiff the approved
9 form application to proceed IFP for inmates along with the information and instructions for filing
10 the same.

11 DATED this 11th day of January, 2023.

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13 ELAYNA J. YOUCHAK
14 UNITED STATES MAGISTRATE JUDGE
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